

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Reshare Commerce, LLC,

Plaintiff,

v.

Civil No. 11-2617 ADM/JJG

State Farm Mutual
Automobile Insurance
Company; American Family Mutual
Insurance Company;
Nationwide Mutual Insurance
Company; Safeco Insurance
Company of America;
Liberty Mutual Insurance
Company,

Defendants.

State Farm Mutual
Automobile Insurance
Company; American Family Mutual
Insurance Company;
Nationwide Mutual Insurance
Company; Safeco Insurance
Company of America;
Liberty Mutual Insurance
Company,

Counter Claimants,

v.

Reshare Commerce, LLC,

Counter Defendant.

Reshare Commerce, LLC,

Plaintiff,

v.

Civil. No. 11-2616 MJD/LIB
ORDER

The Antioch Company, d/b/a
Creative Memories and subsidiaries
and affiliates; Dermalogica, Inc.;
The Toro Company; Discovery Toys, LLC;

Defendants

Dermalogica, Inc.; The Toro Company,

Counter Claimants,

v.

Reshare Commerce, LLC,

Counter Defendant.

Reshare Commerce, LLC; and
Fitness Formulary, LLC,

Plaintiffs,

v.

Civil. No. 11-3010 JNE/TNL

Dotfit, LLC,

Defendant.

Dotfit, LLC,

Counter Claimant,

v.

Reshare Commerce, LLC; and
Fitness Formulary, LLC,

Counter Defendants.

Bryan Atkinson, Esq., Steven Robert Daniels, Esq., W. Bryan Farney, Esq., and Mary C. Jacob, Esq., Farney Daniels LLP, Georgetown, TX, and Dwight G. Rabuse, Esq., Erin E. Neils, Esq., and Joshua P. Brotemarkle, Esq., Rabuse Law Firm, P.A., Minneapolis, MN, on behalf of Plaintiff Reshare Commerce, LLC.

Dwight G. Rabuse, Esq., Erin E. Neils, Esq., and Joshua P. Brotemarkle, Esq., Rabuse Law Firm, P.A., Minneapolis, MN, on behalf of Plaintiff Fitness Formulary, LLC.

Barbara P. Berens, Esq., and Justi R. Miller, Esq., Berens & Miller, PA, Minneapolis, MN, and R. William Beard, Jr., Esq., King & Spalding LLP, Austin, TX, on behalf of Defendant State Farm Mutual Automobile Insurance Company.

John W. Ursu, Esq., Sybil L. Dunlop, Esq., and Robert J. Gilbertson, Esq., Greene Espel PLLP, Minneapolis, MN, on behalf of Defendant American Family Mutual Insurance Company.

David A. Gerasimow, Esq., Neil J. McNabnay, Esq., and Michael J. Pape, Esq., Fish & Richardson PC, Dallas, TX, on behalf of Defendant Nationwide Mutual Insurance Company.

Cyrus A. Morton, Esq., Logan J. Drew, Esq., and Martin R. Lueck, Esq., Robins Kaplan Miller & Ciresi, LLP, Minneapolis, MN, on behalf of Defendant Safeco Insurance Company of America.

John M. Weyrauch, Esq., Paul P. Kempf, Esq., and Peter R. Forrest, Esq., Dicke, Billig & Czaja, PLLC, Minneapolis, MN, on behalf of Defendant The Antioch Company.

Mark C. Nelson, Esq., Robert J. Needham, Esq., and Steven Geiszler, Esq., SNR Denton US LLP, Dallas, TX, and Michael C. McCarthy, Esq., Maslon Edelman Borman & Brand, LLP, Minneapolis, MN, on behalf of Defendant Dermalogica, Inc.

Thomas J. Leach, III, Esq., and Anthony R. Zeuli, Esq., Merchant & Gould PC, Minneapolis, MN, on behalf of Defendant The Toro Company.

Aaron A. Myers, Esq., Felicia J. Boyd, Esq., and William Earl Manske, Esq., Barnes & Thornburg, Minneapolis, MN, on behalf of Defendant Dotfit, LLC.

Pursuant to the Joint Motion to Consolidate Claim Construction [Docket No. 66], entered into by the parties, and after conferring with Chief Judge Michael J. Davis, the assigned judge in 11-cv-2616, and Judge Joan N. Erickson, the assigned judge in 11-cv-3010,

IT IS HEREBY ORDERED that:

1. Civil Case Nos. 11-cv-2617 (ADM/JJG) (the “‘2617 matter”), 11-cv-2616 (MJD/LIB) (the “‘2616 matter”), and 11-cv-3010 (JNE/TNL) (the “‘3010 matter”), are consolidated before this Court for the limited purpose of claim construction on the disputed terms of the ’641 patent, according to the schedule as set forth in the Pretrial Scheduling Order [Docket No. 63] in this matter.
2. The parties, but not the Judges, to the ’2616 matter and the ’3010 matter will be bound by this Court’s claim constructions in this matter.
3. The parties to the ’2616 matter and the ’3010 matter will separately file in their respective cases proposals to modify their Pretrial Scheduling Orders to reflect the consolidated claim construction process defined in the parties’ Joint Motion to Consolidate Claim Construction [Docket No. 66] and the Pretrial Scheduling Order [Docket No. 63] in this matter.

BY THE COURT:

s/Ann D. Montgomery
ANN D. MONTGOMERY
U.S. DISTRICT JUDGE

Dated: June 19, 2012.